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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,273	02/08/2001	Bhima Rao Vijayendran	BAT 0033 PA	4100

23368 7590 12/30/2002

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EXAMINER

CHIN, PETER

ART UNIT	PAPER NUMBER
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1731

8

DATE MAILED: 12/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/779,273

Applicant(s)

VIJAYENDRAN ET AL.

Examiner

Peter Chin

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-84 is/are pending in the application.
- 4a) Of the above claim(s) 19-29 and 40-82 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18, 30-39, 83 and 84 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 6 6) ☐ Other \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-7, 13-18, and 30-35 are rejected under 35 U.S.C. 103(a) as obvious over Cone (2,400,541) in view of Ash et al (2,817,639) or Cone (3,095,313).

Cone ('541) discloses a protein-based glue for making plywood panel. The glue is based on hydrolyzed blood protein. Cone ('541) is silent as to the presence of resin. Ash et al and Cone ('313) teach that it is a conventional expedient to use thermosetting resin such as phenol formaldehyde resin in combination with protein with cone further teaching that the phenol formaldehyde resin improves the water resistance of the protein based glue. The phenol formaldehyde resin is a water soluble, partially polymerized stage phenol formaldehyde.

2. Claims 1-18, 30-39, 83 and 84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riebel et al (WO.9504779) in view of Clay (*Rheological Study of Soy Protein-based PRF Wood adhesive*, proceedings of the SPE 57<sup>th</sup> Annual Technical Conference & Exhibits, May 2-6, 1999, pp 1298-1301), Hse (*Development of Phenolic Resins Co-Reacted with Soy Flour hydrolyzate*) or Vijayendran (*Soy Glue: Less Expensive, Just as Effective*, USB, vol. 3, Issue 4, Sept. 1998, pp. 1-4).

Riebel et al discloses the use of soy protein and thermosetting resin such as phenol formaldehyde resin in making wood fiber and chipboard. Riebel is silent as to the use of soy protein hydrolysate. However, Clay, Hse or Vijayendran teach that it is well known to employ soy protein hydrolysate as the form of soy protein in combination with the phenol formaldehyde thermosetting resin. Additional advantages of lower cost and

effectiveness are further taught by Vijayendran and thus, create additional impetus and motivation in using hydrolyzed soy protein.

3. Applicant's election without traverse of the Group I invention and species in Paper No. 7 is acknowledged.

4. Claims 19-29,40-82 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention and species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 7.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Chin whose telephone number is (703) 308-2046. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on (703) 308-1164. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7718 for regular communications and (703) 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0651.



Peter Chin  
Primary Examiner  
Art Unit 1731